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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 GERALDINE MCWEENEY,

No. C 05-01989 CRB

12 Plaintiff,

**ORDER TO SHOW CAUSE**

13 v.

14 JO ANNE BARNHART, Commissioner of  
15 Social Security,

16 Defendant.  
17 \_\_\_\_\_/

18 This is a social security appeal. On May 13, 2005, this action was transferred to this  
19 Court from the Eastern District of California and assigned to a magistrate judge. On May 27,  
20 2005, defendant declined to consent to having the case heard by a magistrate judge and the  
21 action was reassigned to this Court. The parties have taken no action in this case since that  
22 time. On January 12, 2006, the Court issued an order directly defendant to file an answer. In  
23 response, defendant advised the Court that the answer and record were filed in the action  
24 prior to the transcript. Under the Local Rules, then, plaintiff should have filed a motion for  
25 summary judgment.

26 Accordingly, plaintiff is ordered to show cause why this action should not be  
27 dismissed for lack of prosecution. In particular, plaintiff shall file a motion for summary  
28 judgment on or before February 24, 2006. Defendant shall file its cross-motion in  
accordance with the Local Rules. Plaintiff is warned that a failure to file her motion may

1 result in dismissal of her complaint.

2 **IT IS SO ORDERED.**

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4 Dated: February 7, 2006



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California

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